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September 7, 2018

VIA ECF

Hon. Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Feliz*, 16 Cr. 809 (VM)

Dear Judge Marrero:

I represent the defendant, Lewis Turnbull, in the above referenced case, having been duly appointed pursuant to the Criminal Justice Act. Mr. Turnbull is scheduled to be sentenced on September 14, 2018 at 10:00 a.m. Please accept this letter as a pre-sentence memorandum on his behalf.

Mr. Turnbull pleaded guilty before Magistrate Judge Gabriel W. Gorenstein on February 27, 2018. Count Six of the indictment had charged Mr. Turnbull with Conspiracy to Distribute and Possess with the Intent to Distribute Cocaine Base 21 U.S.C. § 841(b)(1)(A). That charge carries a mandatory minimum of ten years imprisonment. However, pursuant to agreement, Mr. Turnbull pleaded guilty to the lesser included offense delineated in 21 U.S.C. 841 § (b)(1)(B) which carries a mandatory minimum of only five years. The parties stipulated to a guidelines range of 87 to 108 months. This range was calculated based on a base offense level of 32, a three-level decrease for acceptance of responsibility, with the criminal history category being 1. The agreement specifically permits Mr. Turnbull to seek a sentence below the 87 months. By this letter-memorandum, we urge Your Honor to impose the mandatory minimum of a sentence of five years.

Over the last two years, I have spent much time with Mr. Turnbull. After an initial difficulty adjusting to his incarceration, his outlook has shifted. In my most recent meetings, I have noticed a change in both his demeanor and his mindset. Mr. Turnbull wants to work to become a productive member of society and plans to start by taking advantage of the programs offered by the Bureau of Prisons – as he reiterates in his letter to Your Honor. Rather than make excuses for his conduct, he has chosen to “focus on my future.” He wants to obtain his GED once he is designated, and has even discussed the possibility of completing college courses. He plans to work in construction upon completion of his sentence.

Growing up, Mr. Turnbull was without a consistent father figure. As a young man, Mr. Turnbull was “smart” and ambitious. Ms. Garcia “cannot begin to express the pain and suffering

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my family and I have gone through since his incarceration.” Mr. Turnbull’s grandmother, Maria Reynoso, “is destroyed by this tragedy,” but “tells him to focus on education and to make something of himself.” Ms. Garcia asked only that Your Honor take a chance on her son – “a young man whose doors and opportunities has always closed in his face.”

Ms. Garcia further underscores the close relationship that Mr. Turnbull has with his siblings, “as a big brother and role model.” Importantly, Mr. Turnbull regrets “becoming a follower” because does not want his siblings to follow along this path and make the same mistakes he made. Annali Gonzalez, Mr. Turnbull’s younger sister, explains that, after his arrest, her “life hasn’t been the same.” Like with all of his siblings, prior to incarceration Mr. Turnbull was very present in Ms. Gonzalez’s life – “when I was sick, when I was hungry, when I needed help with homework, when I had trouble in school, even when I had issues with my mother, he would always be there and help us get through anything.”

As Mr. Turnbull was the only male in his family’s home, he took on the role of father and “man of the house.” Though he experienced a significant amount of pressure as a result of taking on this role, Mr. Turnbull now wants to set a positive example for them by being “a better big brother.” Ernesto Antonio Acevedo, a sergeant in the United States Marine Corps, phrases it best: “With his failures he can turn that into a life lesson [and] teach the young about his life experiences about what is right and what is wrong.”

The present situation has been a rude awakening and has made Mr. Turnbull realize the importance of his family support. Members of Mr. Turnbull’s family have always made an effort to attend his court appearances – and their unconditional love is reflected in the attached letters they have written to Your Honor. Mr. Acevedo has hope that Mr. Turnbull can “help the community with the right guidance and positive minds by his side.” Having known Mr. Turnbull for five years, Mr. Acevedo has confidence that Mr. Turnbull can change his life trajectory by “going to school to finish where he left off, get a job and be able to provide for his family the best he can.”

As a testament to his family’s continuous support, Joseline Garcia, Mr. Turnbull’s aunt, has even attempted to find Mr. Turnbull employment post-release in maintenance. Ms. Garcia writes about Mr. Turnbull’s willingness to lend a hand – he would gladly move furniture, grab a suitcase, or take the garbage out. Mr. Turnbull’s family wants “nothing but the best for him and his future.” As Sergeant Acevedo stated, “his mistakes should not be the end of the great future this young man can have.”

This case has had a tremendous effect on Mr. Turnbull’s understanding of how important it is to keep on the straight and narrow. Mr. Turnbull regrets the effect his actions have had on his family, but continues to look to the future; not only in terms of education and work, Mr. Turnbull has even talked about wanting “to be a family man” with kids of his own.

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A five-year sentence imposed on Mr. Turnbull is sufficient, but not greater than necessary, to comply with the objectives outlined in 18 U.S.C. § 3553(a). Thank you for your kind and courteous attention.

Very truly yours,

/s/ Irving Cohen
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